

SEP 20 2005

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2134PATENT APPLICATION
Docket No. 6647-020
Novell Ref. IDR-489

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Viyyokaran Raman RAMACHANDRAN et al.

Serial No. 09/815,454

Examiner: David Yiuk JUNG

Filed: 3/22/2001

Group Art Unit: 2134

Title: CROSS DOMAIN AUTHENTICATION AND SECURITY SERVICES USING
PROXIES FOR HTTP ACCESS

Confirmation No. 7637

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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571-273-8300, on September 20, 2005.

Christina Lawton
Christina Lawton

INTERVIEW SUMMARY

On September 12, 2005, the undersigned held an interview with Examiner Jung. The Examiner acknowledged that the earliest publication date of the cited reference was October 28, 2001, which was after the filing date of the patent application. Nevertheless, the Examiner stated the following assumptions:

- As the cited reference did not expressly describe the authentication feature as being added in a service pack or an operating system patch, the feature must have been included in the original release of the Windows 2000 operating system;
- As the original release of the Windows 2000 operating system included the described feature (see the previous assumption), the technology was known in the art before the filing date of the patent application.

The Examiner asked the undersigned whether the undersigned would inquire from the inventors whether they knew about the operation of authentication in Windows 2000, both at the time the patent application was filed and to date. Assuming the inquiry would show that the inventors did not know about how authentication worked in Windows 2000, either at the time of filing of the patent application or now, the Examiner wanted an affidavit of no knowledge of prior inventorship from the inventors, which would overcome the reference.

The undersigned again pointed out that the burden is on the Examiner to show the invention was known in the art before the date of invention, and not on the Applicant to aver a lack of knowledge of any prior invention. In addition, the original declaration, combined with any Information Disclosure Statements filed in the patent application, established the Applicant's belief of entitlement to the patent. Finally, any information the inventors might have learned after the filing date of the patent application, if not documented in a manner befitting disclosure in an Information Disclosure Statement, would not be material to the question of patentability of the invention. Accordingly, the undersigned expressed a reluctance to provide an unneeded affidavit at this time.

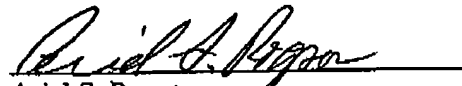
The undersigned also questioned the Examiner's basic assumptions. The fact that the referenced article did not describe authentication as a feature added in a service pack or an operating system patch did not mean that the feature was part of the original release of the Windows 2000 operating system. In addition, the Examiner was reminded that Microsoft is known for not disclosing how they implement their software, which means that even if authentication were a feature of the original Windows 2000 operating system, that would not mean a person skilled in the art would have been enabled to implement the invention. Therefore, the undersigned asserted that the Examiner failed to meet the prima facie requirements for an obviousness rejection.

The undersigned also pointed the Examiner to MPEP § 2128, which obligates the Examiner to establish a publication date for an electronic publication before it can be used under 35 U.S.C. § 102(a) or (b). As noted above, the Examiner acknowledged that the earliest publication date for the reference was after the filing date of the patent application, and therefore the reference was not properly available under 35 U.S.C. § 102(a) or (b).

The Examiner decided that the question as to what was known in the art at the time of invention would be best answered by someone other than the Examiner: for example, the Board of Patent Appeals and Interferences.

Respectfully submitted,

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PATENT APPLICATION
Docket No. 6647-020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Viyyokara Raman RAMACHANDRAN, et al.

Serial No.: 09/815,454

Group No.: 2134

Filed: March 22, 2001

Examiner: David Yiuk JUNG

For: CROSS DOMAIN AUTHENTICATION AND SECURITY
SERVICES USING PROXIES FOR HTTP ACCESS**TRANSMITTAL LETTER**Commissioner for Patents
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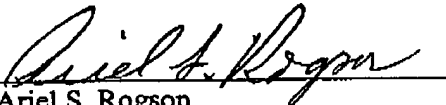
Enclosed for filing in the above-referenced application are the following:

- ☒ Notice of Appeal
- ☒ Interview Summary
- ☒ Pre-Appeal Brief Request for Review
- ☒ Arguments in Support of Pre-Appeal Brief Conference
- ☒ Attachment A (3 pages)
- ☒ PTO Form 2038 authorizing credit card payment for the above-listed fees
- ☒ Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

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Respectfully submitted,

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